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March 16, 1987

BILL F DOSHIER
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TELEPHONE
501-741-6166

The Honorable Dale Bumpers
United States Senate
Washington, DC 20510

RE: Arkwood, Inc., Site
Omaha, Arkansas

Dear Dale:

You will recall that in October 1986, I mentioned to you the overreaching tactics of the Environmental Protection Agency concerning the above site. At that time I asked you to look into this matter for the purpose of determining if the EPA had overstepped its mandate and guidelines to the extent that you could take some appropriate action. I explained then that, in my opinion, the agency was over-zealous in its eagerness to name this site as a Superfund site, and was pushing for a mammoth cleanup of a relatively inconsequential rural site which the State of Arkansas was already handling.

Since talking to you I have become more convinced that the EPA is conducting a self-serving campaign, which will cause unnecessary waste of public monies to over correct a rather minor problem of pollution. I believe the EPA is using this site as a quota filling project in the rural-area category and that they fully intend to cause expenditures of several million dollars when the State pollution agency will correct any problem at much less expense.

Some evidence indicates to me that EPA has used information known to be false in arriving at the conclusion that the site is a Superfund site, rather than a State project. This belief is based upon facts that are presented in a document included in the final report of the work plan filed with the EPA. (See Exhibit "A" attached) I have observed this site and the sawdust pile mentioned in the attached material. I can assure you that it was highly over-valued. I hope that you can cause EPA to re-evaluate this site in view of the erroneous figures included in their first calculation.

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The State of Arkansas has already taken measures to handle the problem with the parties involved. There is a lawsuit in the local State Court by the State of Arkansas which indicates that all the necessary protective measures will be taken on a local basis without the necessity of the EPA intervention. However, the EPA is undaunted and indicates that they fully intend to expend millions of federal monies to force a cleanup to their specifications, all of which is a duplication of the State efforts and very costly to the parties.

Exhibit "B" attached to this letter is a partial transcript of a public hearing held in Omaha recently by the EPA officials. This portion of the transcript deals with the standard which EPA considers in deciding that a hazardous level of a contaminant exists. In recent tests none of the water samples exceeded this standard. There are two or three small areas in the earth where the soil has soaked up some penta which do exceed the standard. These small areas on this site would show some low levels of pentachlorophenol, but no problem that could not be properly handled by the State action. But yet, the EPA plans to cause the expenditure of over \$1,000,000.00 to study this problem, and the cleanup remedy may cost up to \$20,000,000.00. This old country lawyer cannot understand that kind of thinking. The study cost alone is mind boggling.

My clients have not been involved in the operation of the plant since 1972. Penta was not placed on the hazardous chemical list until 1980, but EPA says we are still liable for the cleanup.

Dale, this site just doesn't warrant the attention of the Superfund with all its costly procedures. We don't think they belong in it and believe the State is capable of handling it. I will be glad to give you other information if you want to know more about our complaint.

Very truly yours,

By: Bill Doshier
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BFD/db

Enclosure